

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE NEW ENGLAND COMPOUNDING)
PHARMACY, INC. PRODUCTS LIABILITY)
LITIGATION)
_____)

MDL No. 2419
Dkt. No 1:13-md-2419 (RWZ)

THIS DOCUMENT RELATES TO:)
)

Wray (1:13-cv-12737); *Temple* (1:13-cv-01005);)
McElwee (1:13-cv-12625);)
Parman (1:13-cv-08999);)
Skelton (1:13-cv-00961); *Brock* (1:13-cv-01010);)
Ziegler (1:13-cv-12588))
_____)

**SAINT THOMAS ENTITIES' JOINDER IN THE STOPNC DEFENDANTS' MOTION
FOR LEAVE TO FILE MOTIONS FOR SUMMARY JUDGMENT**

The Saint Thomas Entities¹ file this notice of their joinder in *The STOPNC Defendants' Motion for Leave to File Motions for Summary Judgment* (Docket #2867) ("Motion for Leave") to show the Court as follows:

STATEMENT AND JOINDER

The Saint Thomas Entities have been made parties to the cases against them in this multidistrict litigation because Saint Thomas Network is a 50% investor in Saint Thomas Outpatient Neurosurgical Center, LLC ("STOPNC")—an ambulatory surgery center located in a medical office building on the Saint Thomas West Hospital campus that administered contaminated methylprednisolone acetate. Neither the Saint Thomas Entities nor STOPNC had any role in causing the contamination. Nor did they have any knowledge of any contamination by the New England Compounding Center.

¹ Saint Thomas West Hospital, formerly known as St. Thomas Hospital, Saint Thomas Network, and Saint Thomas Health.

The Saint Thomas Entities—whose liability is alleged to be derivative of the STOPNC Defendants²—are potentially impacted by such rulings and so adopt and join in the Motion for Leave. The Saint Thomas Entities agree that various issues to be addressed in the enumerated motions can be decided as a matter of law and will assist the parties in preparing for trial, including preparation of the verdict forms.

For these reasons and the ones set forth in the STOPNC Defendants’ Motion for Leave, adopted and incorporated by reference, the Saint Thomas Entities request that the Court grant leave to submit motions for summary judgment as to the items listed in the Motion for Leave filed by the STOPNC Defendants and grant such other and further relief to which the Saint Thomas Entities are entitled.

May 18, 2016

SAINT THOMAS WEST HOSPITAL,
FORMERLY KNOWN AS ST. THOMAS
HOSPITAL, SAINT THOMAS NETWORK,
AND SAINT THOMAS HEALTH

By their attorneys,
/s/ Sarah P. Kelly
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² The “STOPNC Defendants” consist of STOPNC, the Howell Allen Clinic, P.C., John Culclasure, M.D. (“Dr. Culclasure”), Debra Schamberg, RN, CNOR, and Vaughan Allen, M.D.

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*Appearing *Pro Hac Vice*

CERTIFICATE OF SERVICE

This certifies that a true and accurate copy of the foregoing was served on all parties of record by virtue of the Court's electronic filing system this 18th day of May, 2016.

/s/ Sarah P. Kelly

SARAH P. KELLY